

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the House Committees on
WATER & LAND
and
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

**Friday, March 27, 2015
10:30 AM
State Capitol, Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 73
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI FOR
SEAWALL ENCROACHMENT PURPOSES**

House Concurrent Resolution 73 requests the authorization to issue a fifty-five year term, non-exclusive easement for an estimated 260 square feet, more or less,¹ located seaward of Tax Map Key: (2) 4-5-003:026, at Lahaina, Maui, for seawall encroachment purposes, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources ("Department") supports this concurrent resolution.**

The current owner of the abutting property, Paul D. Gossman, as trustee of the Paul D. Gossman Residence Trust, worked with the Department to resolve the encroachment. The encroachment was identified on state lands located makai of the shoreline and such area should be considered as submerged lands. As required by Section 171-53, HRS, the Board of Land and Natural Resources ("Board") may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution". At its meeting on August 9, 2013, under agenda item D-10, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

The grantee shall pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration shall be determined by an independent appraisal.

¹ The easement area is subject to review and confirmation by the State Surveyor.

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS